

Attachment to Independent Case Review Report  
for CDRU # 172 Case File # 95-268878.

Material Examiner Malone (RO)

Remarks:

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CRM - 15607

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 2:00P (Time), 5/19/99 (Date)

File#: 95-268878

Laboratory #(s): 50905019

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): UNKNOWN Pages: 887-904

Laboratory Report(s):

Laboratory Number: 50905019 Date: 10-31-85

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ AND UNKNOWN TECHNICIAN

Laboratory Number: 50905019

Laboratory Number: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: LETTER FROM SUBMITTING AGENCY

### Results of Review

File #: 95-268878

Item or Specimen # Reviewed: Q1, K2, K3

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials SJA

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

#1. THERE IS INSUFFICIENT DOCUMENTATION TO DETERMINE IF THE HAIR COMPARISON WAS DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER.

#2. THE RESULTS STATED IN THE LABORATORY REPORT ARE NOT ADEQUATELY DOCUMENTED IN THE NOTES. THE NOTES ARE NOT DATED. THE NUMBER OF HAIR IN THE Q AND K2, K3 SAMPLES ARE NOT NOTED. REVIEWER IS UNABLE TO INTERPRET THE ABBREVIATIONS USED BY THE EXAMINOR TO DESCRIBE THE MICROSCOPIC CHARACTERISTICS HE OBSERVED IN THE HAIR. THERE IS NO DETAILED DESCRIPTION THAT DOCUMENTS HOW K2 HAIR DIFFER FROM K3 HAIR.

#3. EXAMINER AGREED, IN TESTIMONY, WITH PROSECUTOR THAT

Review completed at: 3:15P (Time), 5/19/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/4 HOUR

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts 5-19-99  
(Signature) (Date)

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-268878

THE "UNIQUENESS FACTOR" OF HAIR IS APPROXIMATELY ONE IN 5,000 (p 902, #19). THIS IS NOT THE SAME AS THE REPORTED RESULTS AND PREVIOUS TESTIMONY THAT Q1 HAIR ARE "CONSISTENT" WITH HAVING ORIGINATED FROM WASHINGTON AND ADDS CONSIDERABLE WEIGHT TO THE HAIR MATCH THAT HAS NO SCIENTIFIC BASIS.

EXAMINER TESTIFIED THAT HAIR MUST HAVE AT LEAST 15 CHARACTERISTICS OR IT IS "OF NO VALUE FOR COMPARISON." THIS REVIEWER KNOWS OF NO SCIENTIFIC BASIS FOR THIS STATEMENT.